

#11 LTYSON
3/08/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:

Cynthia S. Bell

§ Art Unit: 2675

Serial No.: 09/524,029

§ Examiner: M. Moyer

Filed: March 13, 2000

§ Atty Docket: ITL.0333US
§ P8221

For: Automatic Brightness
Control for Displays

2003 MAR -4 PM 4:49
BOARD OF PATENT APPEALS
AND INTERFERENCES

RECEIVED

RECEIVED

MAR 07 2003

Board of Patent Appeals & Interferences
Commissioner for Patents
Washington, D.C. 20231

Sir:

Technology Center 2600

REPLY BRIEF

This responds to the new positions taken by the Examiner in the Examiner's Answer.

The Examiner's Answer now claims that "Helms teaches all of claim 1." This is a dramatic change of position from the position taken in the final rejection. There the Examiner admitted, on page 2, that "Helms does not disclose an imager with a plurality of sensors that are used to accumulate energy, derive an integration time based on the accumulated energy, and to determine the indicator based on that time." Of course, this is essentially the entire claim.

In the final rejection the Examiner simply contended that it would be known that the circuit of Helms could provide these functions. But, of course, nothing could be further from the truth. Not only does Helms fail to teach these limitations, but as now admitted by the Examiner Hosoi also does not teach them. Still lacking is any attempt to even point to a rationale to combine the two disparate references. Plainly, a *prima facie* rejection is not made out.

Date of Deposit: February 26, 2003
I hereby certify under 37 CFR 1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated above and is addressed to the Commissioner for Patents, Washington DC 20231.

Cynthia L. Hayden
Cynthia L. Hayden

With respect to claim 8, the Examiner contends that the Applicant's arguments in its brief are not supported by the claim. Claim 8 calls for a driver coupled to the receiver wherein the driver receives the indicator and, based on the indicator, automatically sends a signal to control the brightness of the display. Helms does not teach a driver and the opening brief explains the advantages of using a driver. A calibration operation during manufacture can develop the data to build a look-up table, correlating detected light levels with display brightness levels and this may be incorporated in the driver itself. Having a driver leverages the display factory's calibration step that also comprehends co-calibration of the light sensing circuit.

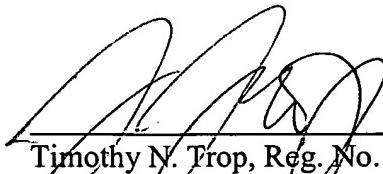
The Examiner simply fails to address the deficiency in Helms and never addresses the assertion that Helms fails to teach the claimed driver.

With respect to claim 21, the Examiner continues his position that an analog film device comprehends an imager. It is respectfully suggested that this argument makes no sense whatsoever.

Similarly, with respect to claim 22, the Examiner never attempts to in any way show that the cited reference teaches a driver.

For these reasons, the rejection should be reversed.

Respectfully requested,



Timothy N. Trop, Reg. No. 28,994
TROP, PRUNER & HU, P.C.
8554 Katy Freeway, Ste. 100
Houston, TX 77024
713/468-8880 [Phone]
713/468-8883 [Fax]

Date: February 26, 2003